

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/796,555	03/09/2004	David Annis	1210-001	9623
25215	7590 07/26/2004		EXAMINER	
	& THENNISCH PC OODWARD AVE		ABBOTT, YVONNE RENEE	
SUITE 311	OOD WARD AVE	•	ART UNIT	PAPER NUMBER
BIRMINGHAM, MI 48009			3644	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	10/796,555	ANNIS, DAVID			
Office Action Summary	Examiner	Art Unit			
	Yvonne R. Abbott	3644	\bigcirc		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tin ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this comn D (35 U.S.C. § 133).	nunication.		
Status					
1) Responsive to communication(s) filed on 09 /	<u> March 2004</u> .				
2a) This action is FINAL . 2b) ⊠ This	s action is non-final.				
3) Since this application is in condition for allowa	nce except for formal matters, pro	secution as to the m	nerits is		
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>1-13</u> is/are pending in the application	l.				
4a) Of the above claim(s) is/are withdra			•		
5) Claim(s) is/are allowed.					
6) Claim(s) 1-4,6-8,12 and 13 is/are rejected.					
7) Claim(s) 5.9-11 is/are objected to.					
8) Claim(s) are subject to restriction and/o	or election requirement.				
Application Papers					
9) The specification is objected to by the Examine	ar.				
10) The drawing(s) filed on is/are: a) acc		Evaminar			
Applicant may not request that any objection to the		, ,	4 404/4\		
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E			,		
The oath of declaration is objected to by the E	xammer. Note the attached Office	Action or form PTO-	-152.		
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. § 119(a))-(d) or (f).			
a) ☐ All b) ☐ Some * c) ☐ None of:					
1.☐ Certified copies of the priority documen	ts have been received.				
2. Certified copies of the priority documen	ts have been received in Applicati	on No			
3. Copies of the certified copies of the price	rity documents have been receive	ed in this National St	age		
application from the International Burea	u (PCT Rule 17.2(a)).	~	_		
* See the attached detailed Office action for a list	of the certified copies not receive	ed.			
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview Summary				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da 5) Notice of Informal P	ate Patent Application (PTO-15	52)		
Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	6) Other:	atent Application (FTO-1)	J Z j		
U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Office A	ction Summary Pa	ort of Paper No./Mail Date	20040721		

Application/Control Number: 10/796,555

Art Unit: 3644

Page 2

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Venditti (1,908,939). Venditti shows an aquarium enclosure comprising a container (20) made of glass (page 2, line 96) and defined by one or more walls and a base portion (10), the container having an interior portion adapted to receive and contain a liquid; and a recess formed by dome (21) located on the bottom wall, wherein the recess extends into the interior portion of the container and includes a translucent or transparent surface adapted to transmit light to the interior portion of the container; further comprising a light (15) located in the recess wherein the light suitable for generating a light source for illuminating the interior portion of the container; wherein the recess portion is defined by a translucent or transparent support member (21) and a shelf member defined by socket (16) supported by strap (17) joined therewith.
- 3. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Venditti. Venditti discloses an aquarium formed such that a recess is in one of the walls, wherein the recess includes a transparent or translucent surface adapted to support a light source and transmit light therethrough; and wherein the wall portions are attached to a

ga gara ngagangangangangan ing talah sang menghangan ng menghanan dalah menghalah ng ang ang ang pang-

Art Unit: 3644

base to form a container having an interior portion adapted to receive and contain a liquid.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 6, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venditti. Venditti discloses a triangular, transparent, glass aquarium. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the Venditti aquarium of plastic material since aquariums made of plastic are notoriously well known, and it has been held to be within the general skill of a worker in the art to select a known material on the basis of it suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. With respect to claim 8, although the container of Venditti is shown to be in triangular form, the invention is disclosed as not being limited to such form, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the shape to cylindrical or rectangular wherein there are front, back and two side walls. The claimed four-sided shape and the dimension requirement of a height greater than 2 feet are considered no more than one of numerous configurations a person of ordinary skill in the art would find obvious for the purpose of providing an

Application/Control Number: 10/796,555

Art Unit: 3644

enclosure to contain a particular volume of water, to fit in a particular space, or for

Page 4

aesthetic purposes.

Allowable Subject Matter

6. Claims 5 and 9-11 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yvonne R. Abbott whose telephone number is (703)308-

2866. The examiner can normally be reached on 7:30-6:00 flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael J. Carone can be reached on (703)306-4198. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

网络大沙丘 医乳腺 医磺胺基甲酚磺丙酸 有豪野 化二二二甲磺二氏氏反射性皮质 医腹膜样切断节的 医巴比特曼氏 经收益帐 网络人士

Center (EBC) at 866-217-9197 (toll-free).

Yvonne R. Abbott-Primary Examiner

Art Unit 3644